

10-8-1. Control of finances and property.

The boards of commissioners and city councils of cities shall have the power to control the finances and property of the corporation.

No Change Since 1953

10-8-1.5. Authority to make benefits generally available to employees, their dependents, and an adult designee -- Registry authorized -- Limitations.

(1) A municipality may, by ordinance enacted by the municipal legislative body, make benefits generally available to all municipal employees, their dependents, and an unmarried employee's financially dependent or interdependent adult designee.

(2) (a) Subject to Subsection (2)(b), a municipality may, by ordinance enacted by the municipal legislative body, create a registry for adult relationships of financial dependence or interdependence.

(b) A municipality may not create or maintain a registry or other means that defines, identifies, or recognizes and gives legal status or effect to a domestic partnership, civil union, or domestic cohabitation relationship other than marriage.

(3) The municipality's recognition of an adult designee, the creation and maintenance of a registry under Subsection (2)(a), and any certificate issued to or other designation of a person on the municipality's registry are not and may not be treated the same as or substantially equivalent to marriage.

(4) Neither an ordinance under Subsection (1) or (2)(a) nor a registry created under Subsection (2)(a) making an employee benefit available to an adult designee may create, modify, or affect a spousal, marital, or parental status, duty, or right.

(5) An ordinance, executive order, rule, or regulation adopted or other action taken before, on, or after May 5, 2008 that is inconsistent with this section is void.

Enacted by Chapter 127, 2008 General Session

10-8-1.7. Use of incremental tax revenue for relocation expenses of displaced mobile home park residents.

(1) As used in this section:

(a) "Displaced mobile home park resident" means a resident within a mobile home park who is required to relocate his or her residence from the mobile home park because of development activities that will change the use of the property on which the mobile home park is located.

(b) "Former mobile home park property" means property on which a mobile home park was located but whose use has changed from a mobile home park because of development activities that require mobile home park residents to relocate.

(c) "Incremental tax revenue" means property tax revenue that:

(i) is generated from a former mobile home park property located within a municipality;

(ii) exceeds the amount of property tax revenue the former mobile home park property would have generated if its use had not changed from a mobile home park; and

(iii) is levied and collected by:

- (A) the municipality in which the former mobile home park property is located; or
- (B) another taxing entity.
- (d) "Taxing entity" has the same meaning as defined in Section 59-2-102.
- (2) A municipality may use incremental tax revenue to pay some or all of the relocation expenses of a displaced mobile home park resident.
- (3) Any taxing entity may share some or all of its incremental tax revenue with a municipality for use as provided in Subsection (2).

Enacted by Chapter 98, 2009 General Session

10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.

- (1) (a) A municipal legislative body may:
 - (i) appropriate money for corporate purposes only;
 - (ii) provide for payment of debts and expenses of the corporation;
 - (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law;
 - (iv) improve, protect, and do any other thing in relation to this property that an individual could do; and
 - (v) subject to Subsection (2) and after first holding a public hearing, authorize municipal services or other nonmonetary assistance to be provided to or waive fees required to be paid by a nonprofit entity, whether or not the municipality receives consideration in return.
- (b) A municipality may:
 - (i) furnish all necessary local public services within the municipality;
 - (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities located and operating within and operated by the municipality; and
 - (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property located inside or outside the corporate limits of the municipality and necessary for any of the purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B, Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.
- (c) Each municipality that intends to acquire property by eminent domain under Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.
- (d) Subsection (1)(b) may not be construed to diminish any other authority a municipality may claim to have under the law to acquire by eminent domain property located inside or outside the municipality.
- (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to the provisions of Subsection (3).
- (b) The total amount of services or other nonmonetary assistance provided or fees waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the municipality's budget for that fiscal year.
- (3) It is considered a corporate purpose to appropriate money for any purpose

that, in the judgment of the municipal legislative body, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality subject to the following:

(a) The net value received for any money appropriated shall be measured on a project-by-project basis over the life of the project.

(b) The criteria for a determination under this Subsection (3) shall be established by the municipality's legislative body. A determination of value received, made by the municipality's legislative body, shall be presumed valid unless it can be shown that the determination was arbitrary, capricious, or illegal.

(c) The municipality may consider intangible benefits received by the municipality in determining net value received.

(d) (i) Prior to the municipal legislative body making any decision to appropriate any funds for a corporate purpose under this section, a public hearing shall be held.

(ii) Notice of the hearing described in Subsection (3)(d)(i) shall be published:

(A) (I) in a newspaper of general circulation at least 14 days before the date of the hearing; or

(II) if there is no newspaper of general circulation, by posting notice in at least three conspicuous places within the municipality for the same time period; and

(B) on the Utah Public Notice Website created in Section 63F-1-701, at least 14 days before the date of the hearing.

(e) A study shall be performed before notice of the public hearing is given and shall be made available at the municipality for review by interested parties at least 14 days immediately prior to the public hearing, setting forth an analysis and demonstrating the purpose for the appropriation. In making the study, the following factors shall be considered:

(i) what identified benefit the municipality will receive in return for any money or resources appropriated;

(ii) the municipality's purpose for the appropriation, including an analysis of the way the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality; and

(iii) whether the appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of the municipality in the area of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose.

(f) (i) An appeal may be taken from a final decision of the municipal legislative body, to make an appropriation.

(ii) The appeal shall be filed within 30 days after the date of that decision, to the district court.

(iii) Any appeal shall be based on the record of the proceedings before the legislative body.

(iv) A decision of the municipal legislative body shall be presumed to be valid unless the appealing party shows that the decision was arbitrary, capricious, or illegal.

(g) The provisions of this Subsection (3) apply only to those appropriations made after May 6, 2002.

(h) This section applies only to appropriations not otherwise approved pursuant

to Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities.

(4) (a) Before a municipality may dispose of a significant parcel of real property, the municipality shall:

(i) provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment under Subsection (4)(a)(ii); and

(ii) allow an opportunity for public comment on the proposed disposition.

(b) Each municipality shall, by ordinance, define what constitutes:

(i) a significant parcel of real property for purposes of Subsection (4)(a); and

(ii) reasonable notice for purposes of Subsection (4)(a)(i).

(5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire real property for the purpose of expanding the municipality's infrastructure or other facilities used for providing services that the municipality offers or intends to offer shall provide written notice, as provided in this Subsection (5), of its intent to acquire the property if:

(i) the property is located:

(A) outside the boundaries of the municipality; and

(B) in a county of the first or second class; and

(ii) the intended use of the property is contrary to:

(A) the anticipated use of the property under the general plan of the county in whose unincorporated area or the municipality in whose boundaries the property is located; or

(B) the property's current zoning designation.

(b) Each notice under Subsection (5)(a) shall:

(i) indicate that the municipality intends to acquire real property;

(ii) identify the real property; and

(iii) be sent to:

(A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

(B) each affected entity.

(c) A notice under this Subsection (5) is a protected record as provided in Subsection 63G-2-305(8).

(d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality previously provided notice under Section 10-9a-203 identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.

(ii) If a municipality is not required to comply with the notice requirement of Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real property.

Amended by Chapter 59, 2014 General Session

10-8-2.5. Prohibition against spending certain transportation funds.

(1) As used in this section:

(a) "Apportioned" means divided or assigned among the states based on a

prescribed formula established in 23 U.S.C.

(b) "Authorization act" means an act of Congress enacted after July 1, 2009 that authorizes transportation programs from the Highway Trust Fund established in 26 U.S.C. Sec. 9503.

(2) A municipality may not spend project-specific funds that are allocated through an authorization act for a transportation-related project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

Enacted by Chapter 332, 2009 General Session

10-8-3. Tax districts.

They may divide the city into districts for the purpose of local taxation as occasion may require.

No Change Since 1953

10-8-4. Special taxes and licenses.

(1) Municipal legislative bodies may:

(a) subject to Subsection (2), fix the amount, terms, and manner of issuing licenses; and

(b) consistent with general law, provide the manner and form in which special taxes are levied and collected.

(2) (a) Municipal legislative bodies may not discriminate between resident community businesses and nonresident community businesses in establishing license requirements.

(b) Municipal legislative bodies may not impose motor vehicle delivery license fees on persons or entities who:

(i) are licensed as dealers in another municipality; or

(ii) do not have a permanent business location in the municipality.

Amended by Chapter 78, 2008 General Session

10-8-5. Erection and care of buildings.

They may erect all needful buildings for the use of the city, and provide for their care.

No Change Since 1953

10-8-6. Borrowing power -- Warrants and bonds.

They may borrow money on the credit of the corporation for corporate purposes in the manner and to the extent allowed by the Constitution and the laws, and issue warrants and bonds therefor in such amounts and forms and on such conditions as they shall determine.

No Change Since 1953

10-8-7. Refunding bonds -- Purpose of issuance.

They may issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or refunding of the same.

No Change Since 1953

10-8-8. Streets, parks, airports, parking facilities, public grounds, and pedestrian malls.

A municipal legislative body may lay out, establish, open, alter, widen, narrow, extend, grade, pave, or otherwise improve streets, alleys, avenues, boulevards, sidewalks, parks, airports, parking lots, or other facilities for the parking of vehicles off streets, public grounds, and pedestrian malls and may vacate the same or parts thereof, as provided in this title.

Amended by Chapter 254, 2005 General Session

10-8-8.6. Widening a street or alley.

Before a city may widen a street or alley in such a way that access to underground facilities is affected, the city shall notify in writing, and consult with, the owners or operators of the underground facilities, as defined in Section 54-8a-2, and utility facilities within the street or alley.

Enacted by Chapter 180, 1995 General Session

10-8-9. Bathhouses, playgrounds.

They may establish, maintain and provide for the supervision of bathhouses, public playgrounds, recreation places and swimming pools.

No Change Since 1953

10-8-10. Trees.

They may plant, or direct and regulate the planting of, ornamental shade trees in streets, parks and public grounds.

No Change Since 1953

10-8-11. Streets -- Encroachments, lighting, sprinkling, cleaning.

They may regulate the use of streets, alleys, avenues, sidewalks, crosswalks, parks and public grounds, prevent and remove obstructions and encroachments thereon, and provide for the lighting, sprinkling and cleaning of the same.

No Change Since 1953

10-8-13. Conduits, drains, etc.

They may regulate the opening and use of streets, alleys, sidewalks, crosswalks and public grounds for the laying of gas or water mains and of conduits and pipes, and the building and repairing of sewers, tunnels, conduits and drains.

No Change Since 1953

10-8-14. Water, sewer, gas, electricity, and public transportation -- Service beyond municipal limits -- Retainage -- Notice of service and agreement -- Cable television and public telecommunications services.

(1) A municipality may:

(a) construct, maintain, and operate waterworks, sewer collection, sewer treatment systems, gas works, electric light works, telecommunications lines, cable television lines, or public transportation systems;

(b) authorize the construction, maintenance and operation of the works or systems listed in Subsection (1)(a) by others;

(c) purchase or lease the works or systems listed in Subsection (1)(a) from any person or corporation; and

(d) sell and deliver the surplus product or service capacity of any works or system listed in Subsection (1)(a), not required by the municipality or the municipality's inhabitants, to others beyond the limits of the municipality, except the sale and delivery of:

(i) retail electricity beyond the municipal boundary is governed by Subsections (3) through (8); and

(ii) cable television services or public telecommunications services is governed by Subsection (11).

(2) If any payment on a contract with a private person, firm, or corporation to construct waterworks, sewer collection, sewer treatment systems, gas works, electric works, telecommunications lines, cable television lines, or public transportation systems is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

(3) (a) Except as provided in Subsection (3)(b), (5), or (9), a municipality may not sell or deliver the electricity produced or distributed by its electric works constructed, maintained, or operated in accordance with Subsection (1) to a retail customer located beyond its municipal boundary.

(b) A municipality that provides retail electric service to a customer beyond its municipal boundary on or before June 15, 2013, may continue to serve that customer if:

(i) on or before December 15, 2013, the municipality provides the electrical corporation, as defined in Section 54-2-1, that is obligated by its certificate of public convenience and necessity to serve the customer with an accurate and complete verified written notice described in Subsection (3)(c) that identifies each customer served by the municipality beyond its municipal boundary;

(ii) no later than June 15, 2014, the municipality enters into a written filing agreement for the provision of electric service with the electrical corporation; and

(iii) the Public Service Commission approves the written filing agreement in accordance with Section 54-4-40.

(c) The municipality shall include in the written notice required in Subsection

(3)(b)(i) for each customer:

- (i) the customer's meter number;
- (ii) the location of the customer's meter by street address, global positioning system coordinates, metes and bounds description, or other similar method of meter location;
- (iii) the customer's class of service; and
- (iv) a representation that the customer was receiving service from the municipality on or before June 15, 2013.

(4) The written filing agreement entered into in accordance with Subsection (3)(b)(ii) shall require the following:

(a) The municipality shall provide electric service to a customer identified in accordance with Subsection (3)(b)(i) unless the municipality and the electrical corporation subsequently agree in writing that the electrical corporation will provide electric service to the customer.

(b) If a customer who is located outside the municipal boundary and who is not identified in accordance with Subsection (3)(b)(i) requests service from the municipality after June 15, 2013, the municipality may not provide that customer electric service unless the municipality submits a request to and enters into a written agreement with the electrical corporation in accordance with Subsection (5).

(5) (a) A municipality may submit to the electrical corporation a request to provide electric service to an electric customer described in Subsection (4)(b).

(b) If a municipality submits a request, the electrical corporation shall respond to the request within 60 days.

(c) If the electrical corporation agrees to allow the municipality to provide electric service to the customer:

(i) the electrical corporation and the municipality shall enter into a written agreement;

(ii) the municipality shall agree in the written agreement to subsequently transfer service to the customer described in Subsection (4)(b) if the electrical corporation notifies, in writing, the municipality that the electrical corporation has installed a facility capable of providing electric service to the customer; and

(iii) the municipality may provide the service if:

(A) except as provided in Subsection (5)(c)(iii)(B), the Public Service Commission approves the agreement in accordance with Section 54-4-40; or

(B) for an electrical cooperative that meets the requirements of Subsection 54-7-12(7), the governing board of the electrical cooperative approves the agreement.

(d) The municipality or the electrical corporation may terminate the agreement for the provision of electric service if the Public Service Commission imposes a condition authorized in Section 54-4-40 that is a material change to the agreement.

(6) If the municipality and electrical corporation make a transfer described in Subsection (5)(c)(ii):

(a) (i) the municipality shall transfer the electric service customer to the electrical corporation; and

(ii) the electrical corporation shall provide electric service to the customer; and

(b) the municipality shall transfer a facility in accordance with and for the value as provided in Section 10-2-421.

(7) (a) In accordance with Subsection (7)(b), the municipality shall establish a reasonable mechanism for resolving potential future complaints by an electric customer located outside its municipal boundary.

(b) The mechanism shall require:

(i) that the rates and conditions of service for a customer outside the municipality's boundary are at least as favorable as the rates and conditions of service for a similarly situated customer within the municipality's boundary; and

(ii) if the municipality provides a general rebate, refund, or other payment to a customer located within the municipality's boundary, that the municipality also provide the same general rebate, refund, or other payment to a similarly situated customer located outside the municipality's boundary.

(8) The municipality is relieved of any obligation to transfer a customer described in Subsection (4)(b) or facility used to serve the customer in accordance with Subsection (5)(c)(ii) if the municipality annexes the property on which the customer is being served.

(9) (a) A municipality may provide electric service outside of its municipal boundary to a facility that is solely owned and operated by the municipality for municipal service.

(b) A municipality's provision of electric service to a facility that is solely owned and operated by the municipality does not expand the municipality's electric service area.

(10) Nothing in this section expands or diminishes the ability of a municipality to enter into a wholesale electrical sales contract with another municipality that serves electric customers to sell and deliver wholesale electricity to the other municipality.

(11) A municipality's actions under this section related to works or systems involving public telecommunications services or cable television services are subject to the requirements of Chapter 18, Municipal Cable Television and Public Telecommunications Services Act.

Amended by Chapter 55, 2014 General Session

10-8-14.5. Utility easements -- Use for water or sewerage service.

(1) If a municipality grants a general utility easement for the provision of electric, gas, or telephone service, the grant may also provide that the easement may be used by the corporation or other entity that provides water or sewerage service to the municipality's residents.

(2) A general utility easement described in Subsection (1) is subject to the provisions imposed on a public utility easement under Section 54-3-27.

(3) If a municipality acquires a utility easement through the exercise of its eminent domain power for use under this section, the owner of the servient estate may realign the easement at the servient estate owner's expense unless the alignment cannot be reasonably changed because of engineering or safety requirements.

Amended by Chapter 246, 2007 General Session

10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.

They may construct or authorize the construction of waterworks within or without the city limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution their jurisdiction shall extend over the territory occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for 15 miles above the point from which it is taken and for a distance of 300 feet on each side of such stream and over highways along such stream or watercourse within said 15 miles and said 300 feet; provided, that the jurisdiction of cities of the first class shall be over the entire watershed, except that livestock shall be permitted to graze beyond one thousand feet from any such stream or source; and provided further, that each city of the first class shall provide a highway in and through its corporate limits, and so far as its jurisdiction extends, which may not be closed to cattle, horses, sheep or hogs driven through any such city, or through any territory adjacent thereto over which such city has jurisdiction, but the board of commissioners of such city may enact ordinances placing under police regulations the manner of driving such cattle, sheep, horses and hogs through such city, or any territory adjacent thereto over which it has jurisdiction. They may enact all ordinances and regulations necessary to carry the power herein conferred into effect, and are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part, for domestic and culinary purposes, and may enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the city has jurisdiction, and provide for permits for the construction and maintenance of the same. In granting such permits they may annex thereto such reasonable conditions and requirements for the protection of the public health as they deem proper, and may, if deemed advisable, require that all closets, privies and urinals along such streams shall be provided with effective septic tanks or other germ-destroying instrumentalities.

Amended by Chapter 378, 2010 General Session

10-8-16. Watercourses leading to and within city -- Mill privileges.

They may control the water and watercourses leading to the city and regulate and control the watercourses and mill privileges within the city; provided, that the control may not be exercised to the injury of any right already acquired by actual owners.

Amended by Chapter 378, 2010 General Session

10-8-17. City may act as distributing agent -- Collection of operating costs from users.

When the governing body of a city is acting as distributing agent of water, not the property of the corporation, outside of or within its corporate limits, the governing body may annually prior to the commencement of the irrigation season determine and fix the sum deemed necessary to meet the expense of the current year for the purpose of controlling, regulating and distributing such water and constructing and keeping in repair the necessary means for diverting, conveying and distributing the same, and they may

collect such sum from the persons entitled to the use of such water, pro rata according to acreage, whether the acreage is situate within or without the corporate boundary of the city; provided, that the funds so derived may not be appropriated or used for any other purpose, and in the event that a greater sum is collected in any one year than is necessary for said purpose, the excess thereof shall be carried to the account of the year next following and applied to the purpose for which it was collected. Such sum shall be fixed and collected as provided by ordinance, and until collected the same shall be a lien on such water rights and the land irrigated thereby.

Amended by Chapter 378, 2010 General Session

10-8-18. Acquisition of water sources -- Retainage.

(1) They may construct, purchase or lease and maintain canals, ditches, artesian wells and reservoirs, may appropriate, purchase or lease springs, streams or sources of water supply for the purpose of providing water for irrigation, domestic or other useful purposes; may prevent all waste of water flowing from artesian wells, and if necessary to secure sources of water supply, may purchase or lease land; they may also purchase, acquire or lease stock in canal companies and water companies for the purpose of providing water for the city and the inhabitants thereof.

(2) If any payment on a contract with a private person, firm, or corporation to construct canals, ditches, artesian wells, or reservoirs is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Amended by Chapter 365, 1999 General Session

10-8-19. Water supply -- Special tax for increasing supply when city acting as distributing agent.

Whenever a city is acting as distributing agent of water, not the property of the corporation, outside of or within the corporate limits of such city, upon written petition of the owners of such water, it may increase the supply of water owned by such persons by any means provided in Section 10-8-18, and for that purpose may levy and collect from the owners of such water a tax not exceeding such sum per acre of land owned by such persons as may have been agreed upon and designated in said petition; said tax when so collected to be appropriated exclusively to said purposes, except such part thereof as is necessary to pay the expense of levying and collecting the same. Said tax shall constitute a lien upon the water rights of the persons and the land irrigated thereby, and shall be levied and collected as provided in Section 10-8-17.

No Change Since 1953

10-8-20. Lighting works -- Contracts -- Retainage.

(1) They may contract with and authorize any person, company or association to construct gas works, electric or other lighting works within the city, and give such persons, company or association the privilege of furnishing light for the public buildings, streets, sidewalks and alleys of the city for any length of time not exceeding three years.

(2) If any payment on a contract with a private person, firm, or corporation to construct gas works, electric or other lighting works within the city is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Amended by Chapter 365, 1999 General Session

10-8-21. Lighting facilities -- Sale of gas and electric power -- Erection and removal of poles and wires.

They may provide for the lighting of streets and the erection of necessary appliances and lamp posts; may regulate the sale and use of gas, natural gas and electric or other lights and electric power within the city, and regulate the inspection of meters therefor; may prohibit or regulate the erection of telegraph, telephone or electric wire poles in the public grounds, streets or alleys, and the placing of wires thereon; and may require the removal from the public grounds, streets or alleys of any or all such poles, and the placing underground of any or all telegraph, telephone or electric wires.

No Change Since 1953

10-8-22. Water rates.

They may fix the rates to be paid for the use of water furnished by the city.

No Change Since 1953

10-8-23. Sidewalks -- Regulation and control -- Owners required to remove weeds, litter, snow and ice.

They may regulate and control the use of sidewalks and all structures thereunder or thereover; and they may require the owner or occupant, or the agent of any owner or occupant, of property to remove all weeds and noxious vegetation from such property, and in front thereof to the curb line of the street, and to keep the sidewalks in front of such property free from litter, snow, ice and obstructions.

No Change Since 1953

10-8-24. Litter in streets.

They may regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and prevent injury or obstruction to, any street, sidewalk, avenue, alley, park or public ground.

No Change Since 1953

10-8-25. Crosswalks, curbs and gutters.

They may provide for and regulate the use of crosswalks, curbs and gutters.

No Change Since 1953

10-8-26. Signs and advertising material.

They may regulate or prevent the use of streets, sidewalks, public buildings and grounds for signs, signposts, awnings, horse troughs or racks, or for posting handbills or advertisements.

No Change Since 1953

10-8-27. Placards and handbills.

They may regulate or prohibit the exhibition, distribution or carrying of placards or handbills on the streets, public grounds or sidewalks.

No Change Since 1953

10-8-28. Flags and banners.

They may regulate or prevent the flying of flags, banners or signs across the streets or from houses.

No Change Since 1953

10-8-29. Sales and merchandising on streets.

They may regulate merchandising and sales upon the streets, sidewalks and public places.

No Change Since 1953

10-8-30. Traffic regulations.

They may regulate the movement of traffic on the streets, sidewalks and public places, including the movement of pedestrians as well as of vehicles, and the cars and engines of railroads, street railroads and tramways, and may prevent racing and immoderate driving or riding.

No Change Since 1953

10-8-31. Numbering houses and lots.

They may regulate the numbering of houses and lots.

No Change Since 1953

10-8-32. Naming streets and public places.

They may name streets, courts, parks, thoroughfares and other public places and change the names thereof.

No Change Since 1953

10-8-33. Railroads -- Tracks and franchises.

They may permit, regulate or prohibit the locating, constructing or laying of the tracks of any railroad, or tramway in any street, alley or public place; and may by

ordinance grant franchises to railroad and street railroad companies, and to union railroad depot companies, to lay, maintain and operate in any street or part or parts of streets or other public places tracks therefor, but such permission may not be exclusive or for a longer time than one hundred years.

Amended by Chapter 378, 2010 General Session

10-8-34. Change of grade and crossings -- Nonuser as grounds for removal.

They may provide for or change the location, grade or crossing of any railroad; and declare a nuisance and take up and remove, or cause to be taken up and removed, the tracks of any railroad or street railway company which shall have been laid upon the streets of the city and which such railway company has failed to operate with cars for public use for a period of nine months after the laying thereof.

No Change Since 1953

10-8-35. Fences, cattle guards and street crossings -- Duty of railroads.

They may require railroad companies to fence their respective railroads or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair within the limits of the corporation.

No Change Since 1953

10-8-36. Flagmen -- Grade crossings -- Drains along tracks.

They may require railroad companies to keep flagmen at railroad crossings of streets, or otherwise provide protection against injury to persons or property; may compel railroad and street railroad companies to raise or lower their tracks to conform to any grade which at any time may be established by the city, so that such tracks may be crossed at any place on any street, alley or highway; may compel railway companies to make and keep open, and keep in repair, ditches, drains, sewers and culverts along and under their tracks, so that the natural or artificial drainage of adjacent property may not be impaired.

Amended by Chapter 378, 2010 General Session

10-8-37. Construction, repair, and maintenance of bridges, viaducts, and tunnels -- Retainage.

(1) They may construct and keep in repair bridges, viaducts and tunnels, and regulate the use thereof.

(2) If any payment on a contract with a private person, firm, or corporation to construct bridges, viaducts, or tunnels is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Amended by Chapter 365, 1999 General Session

10-8-38. Drainage and sewage systems -- Construction regulation and control -- Retainage -- Mandatory hookup -- Charges for use -- Collection of charges -- Service to tenants -- Failure to pay for service -- Service outside municipality.

(1) (a) Boards of commissioners, city councils, and boards of trustees of cities and towns may construct, reconstruct, maintain, and operate, sewer systems, sewage treatment plants, culverts, drains, sewers, catch basins, manholes, cesspools, and all systems, equipment, and facilities necessary to the proper drainage, sewage, and sanitary sewage disposal requirements of the city or town and regulate the construction and use thereof.

(b) If any payment on a contract with a private person, firm, or corporation to construct or reconstruct sewer systems, sewage treatment plants, culverts, drains, sewers, catch basins, manholes, cesspools, and other drainage and sewage systems is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

(2) (a) In order to defray the cost of constructing, reconstructing, maintaining, or operating a sewer system or sewage treatment plant, a municipality may:

(i) require connection to the sewer system if the sewer is available and within 300 feet of the property line of a property with a building used for human occupancy; and

(ii) make a reasonable charge for the use of the sewer system.

(b) A municipality operating a waterworks system and a sewer system or sewage treatment plant may:

(i) make one charge for the combined use of water and the services of the sewer system or sewage treatment plant; and

(ii) adopt an ordinance requiring a property owner desiring water and sewer service to submit a written application, signed by the owner or the owner's authorized agent, agreeing to pay, according to the ordinance enacted by the municipality, for the water and sewer service furnished the owner.

(c) (i) If a person fails to connect to the sewer when connection is required under Subsection (2)(a)(i) or fails to pay for the sewer service as required under applicable municipal ordinances, then the municipality may cause the water to be shut off from the premises until the person has:

(A) hooked up to the sewer at the person's own expense; or

(B) paid in full for all sewer service.

(ii) A municipality may not use an owner's failure to pay for sewer service furnished to the owner's property as a basis for not furnishing water to the property after ownership of the property is transferred to a subsequent owner.

(d) A municipality may sell and deliver water or sewer services to others beyond the limits of the municipality from the surplus capacity of the municipality's waterworks or sewer system.

Amended by Chapter 316, 2004 General Session

10-8-41. Prostitution, lewd or perverted acts, gambling, and obscene or lewd publications.

(1) Boards of commissioners and city councils of cities may suppress and prohibit the keeping of disorderly houses, houses of ill fame or assignation, or houses kept by, maintained for, or resorted to or used by, one or more persons for acts of perversion, lewdness, or prostitution within the limits of the city and within three miles of the outer boundaries thereof, and may prohibit resorting thereto for any of the purposes aforesaid; they may also make it unlawful for any person to commit or offer or agree to commit an act of sexual intercourse for hire, lewdness, or moral perversion within the city, or for any person to secure, induce, procure, offer, or transport to any place within the city any person for the purpose of committing an act of sexual intercourse for hire, lewdness, or moral perversion, or for any person to receive or direct or offer or agree to receive or direct any person into any place or building within the city for the purpose of committing an act of sexual intercourse for hire, lewdness, or moral perversion, or for any person to aid, abet, or participate in the commission of any of the foregoing; and they may also suppress and prohibit gambling houses and gambling, lotteries and all fraudulent devices and practices, and all kinds of gaming, playing at dice or cards, and other games of chance, and the sale, distribution, or exhibition of obscene or lewd publications, prints, pictures, or illustrations.

(2) (a) A woman's breast feeding, including breast feeding in any place where the woman otherwise may rightfully be, does not under any circumstance constitute an obscene or lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.

(b) Boards of commissioners and city councils of cities may not prohibit a woman's breast feeding in any location where she otherwise may rightfully be, irrespective of whether the breast is uncovered during or incidental to the breast feeding.

Amended by Chapter 131, 1995 General Session

10-8-41.5. Regulation of sexually oriented business.

(1) As used in this section:

(a) "Adult service" means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening, or other performances or activities conducted by a nude or partially denuded individual for compensation.

(b) "Compensation" means:

- (i) a salary;
- (ii) a fee;
- (iii) a commission;
- (iv) employment;
- (v) a profit; or
- (vi) other pecuniary gain.

(c) (i) "Escort" means a person who, for compensation, dates, socializes with, visits, consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or accompany another:

(A) to a social affair, entertainment, or a place of amusement; or

(B) within:

(I) a place of public or private resort;

- (II) a business or commercial establishment; or
- (III) a private quarter.
- (ii) "Escort" does not mean a person who provides business or personal services, including:
 - (A) a licensed private nurse;
 - (B) an aide for the elderly or a person with a disability;
 - (C) a social secretary or similar service personnel:
 - (I) whose relationship with a patron is characterized by a contractual relationship having a duration of 12 hours or more; and
 - (II) who provides a service not principally characterized as dating or socializing;
- or
- (D) a person who provides services such as singing telegrams, birthday greetings, or similar activities:
 - (I) characterized by an appearance in a public place;
 - (II) contracted for by a party other than the person for whom the service is being performed; and
 - (III) of a duration not to exceed one hour.
- (d) "Escort service" means any person who furnishes or arranges for an escort to accompany another individual for compensation.
- (e) "Nude or partially denuded individual" means an individual with any of the following less than completely and opaquely covered:
 - (i) genitals;
 - (ii) the pubic region; or
 - (iii) a female breast below a point immediately above the top of the areola.
- (f) (i) "Sexually oriented business" means a business at which any nude or partially denuded individual, regardless of whether the nude or partially denuded individual is an employee of the sexually oriented business or an independent contractor, performs any service for compensation.
- (ii) "Sexually oriented business" includes:
 - (A) an escort service; or
 - (B) an adult service.
- (2) A person employed in a sexually oriented business may not work in a municipality:
 - (a) if the municipality requires that a person employed in a sexually oriented business be licensed individually; and
 - (b) if the person is not licensed by the municipality.
- (3) A business entity that conducts a sexually oriented business may not conduct business in a municipality:
 - (a) if the municipality requires that a sexually oriented business be licensed; and
 - (b) if the business entity is not licensed by the municipality.

Enacted by Chapter 398, 2010 General Session

10-8-41.6. Regulation of retail tobacco specialty business.

- (1) As used in this section:
 - (a) "Community location" means:

- (i) a public or private kindergarten, elementary, middle, junior high, or high school;
- (ii) a licensed child-care facility or preschool;
- (iii) a trade or technical school;
- (iv) a church;
- (v) a public library;
- (vi) a public playground;
- (vii) a public park;
- (viii) a youth center or other space used primarily for youth oriented activities;
- (ix) a public recreational facility; or
- (x) a public arcade.

(b) "Retail tobacco specialty business" means a commercial establishment in which:

(i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;

(ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and

(iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

(c) "Tobacco product" means:

(i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;

(ii) a tobacco product as defined in Section 59-14-102, including:

(A) chewing tobacco; or

(B) any substitute for a tobacco product, including flavoring or additives to tobacco; and

(iii) tobacco paraphernalia as defined in Section 76-10-104.1.

(2) The regulation of a retail tobacco specialty business is an exercise of the police powers of the state, and through delegation, to other governmental entities.

(3) (a) Except as provided in Subsection (7), and beginning July 1, 2012, a municipality shall require an entity to be licensed as a retail tobacco specialty business to conduct business as a retail tobacco specialty business in a municipality.

(b) A municipality may issue a retail tobacco specialty business license to an entity if the entity complies with the provisions of Subsection (5).

(4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity that conducts a retail tobacco specialty business in a municipality shall be licensed by the municipality as a retail tobacco specialty business.

(5) (a) A municipality may not issue a license to a retail tobacco specialty business if it is located within:

(i) 1,000 feet of a community location;

(ii) 600 feet of another retail tobacco specialty business; or

(iii) 600 feet from property used or zoned for:

(A) agriculture use; or

(B) residential use.

(b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, or agricultural or

residential use, without regard to intervening structures or zoning districts.

(6) (a) Nothing in this section:

(i) requires a municipality to issue a business license to a retail tobacco specialty business; or

(ii) prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section.

(b) A municipality may revoke a business license issued under this section:

(i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

(ii) if a licensee violates the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or

(iii) under other provisions of state law or local ordinance.

(7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has a business license and is operating lawfully in a municipality on or before May 8, 2012, is exempt from Subsections (4) and (5).

(b) A retail tobacco specialty business may maintain an exemption under Subsection (7)(a) if:

(i) the business license is renewed continuously without relapse or permanent revocation;

(ii) the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;

(iii) the retail tobacco specialty business does not substantially change the business premises or its business operation; and

(iv) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

Enacted by Chapter 154, 2012 General Session

10-8-42. Intoxicating liquors -- Prohibitions on manufacture, sale, possession, etc.

They may prohibit, except as provided by law, any person from knowingly having in his possession any intoxicating liquor, and the manufacture, sale, keeping or storing for sale, offering or exposing for sale, importing, carrying, transporting, advertising, distributing, giving away, exchanging, dispensing or serving of intoxicating liquors.

No Change Since 1953

10-8-43. Establishment and regulation of markets -- Sale of meats, poultry, etc.

They may establish markets and market houses, and provide for the regulation and use thereof, and provide for the place and the manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions, and regulate the selling of the same.

No Change Since 1953

10-8-44. Food stuffs -- Regulation and inspection.

They may provide for and regulate the inspection of meats, fruit, poultry, fish, butter, cheese, lard, vegetables, flour, meal and all other provisions, and provide for the inspection, measurement or graduation of any merchandise, manufacture or commodity, and appoint the necessary officers therefor.

No Change Since 1953

10-8-44.5. Prohibition against regulation of nutritional information dissemination.

(1) A municipality may not regulate the dissemination of nutritional information or the content required to be placed on a menu, menu board, or food tag by a restaurant, eating establishment, or other food facility.

(2) An ordinance or regulation that violates Subsection (1) is void.

Enacted by Chapter 236, 2009 General Session

10-8-45. Weights and measures -- Inspection and sealing.

They may provide for the inspection, sealing and use of proper weights, measures, computing scales, and all weighing and measuring devices indicating the numerical value as well as weight or quantity.

No Change Since 1953

10-8-46. Plumbing -- Regulation of construction and repair -- Board of examiners.

They may regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers, gutters and plumbing, and provide for a board of examiners to examine into the fitness and qualifications of persons following the plumbing trade, and may prescribe what qualifications are necessary for persons following said trade.

No Change Since 1953

10-8-47. Intoxication -- Fights -- Disorderly conduct -- Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, or tobacco to minors -- Possession of controlled substances -- Treatment of alcoholics and narcotics or drug addicts.

A municipal legislative body may prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights, bullfights, and all disorderly conduct and provide against and punish the offenses of assault and battery and petit larceny; the municipal legislative body may restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the city; the municipal legislative body may regulate and prevent the discharge of firearms, rockets, powder, fireworks or any other dangerous or

combustible material; the municipal legislative body may provide against and prevent the offense of obtaining money or property under false pretenses and the offense of embezzling money or property in all cases where the money or property embezzled or obtained under false pretenses does not exceed in value the sum of \$500 and may prohibit the sale, giving away, or furnishing of narcotics, alcoholic beverages to a person younger than 21 years of age, or tobacco to any person younger than 19 years of age; cities may, by ordinance, prohibit the possession of controlled substances as defined in the Utah Controlled Substances Act or any other endangering or impairing substance, provided the conduct is not a class A misdemeanor or felony, and provide for treatment of alcoholics, narcotic addicts and other persons who are addicted to the use of drugs or intoxicants such that a person substantially lacks the capacity to control the person's use of the drugs or intoxicants, and judicial supervision may be imposed as a means of effecting their rehabilitation.

Amended by Chapter 140, 2012 General Session

10-8-47.5. Knives regulated by state.

(1) As used in this section, "knife" means a cutting instrument that includes a sharpened or pointed blade.

(2) The authority to regulate a knife is reserved to the state except where the Legislature specifically delegates responsibility to a municipality.

(3) (a) Unless specifically authorized by the Legislature or, subject to Subsection (3)(b), a municipal ordinance with a criminal penalty, a municipality may not enact or enforce an ordinance or a regulation pertaining to a knife.

(b) A municipality may not enact an ordinance with a criminal penalty pertaining to a knife that is:

- (i) more restrictive than a state criminal penalty pertaining to a knife; or
- (ii) has a greater criminal penalty than a state penalty pertaining to a knife.

Enacted by Chapter 272, 2011 General Session

10-8-49. Vagrants -- Arrest -- Fine -- Putting to work -- Municipal lodging.

They may arrest and fine or set to work on the streets or elsewhere all vagrants, mendicants and persons found in the city without visible means of support or some legitimate business, and may establish and maintain municipal lodging and eating houses.

No Change Since 1953

10-8-50. Disturbing the peace -- Public intoxication -- Fighting -- Obscene language -- Disorderly conduct -- Lewd behavior -- Interference with officers -- Trespass.

(1) Boards of commissioners and city councils of cities may provide for the punishment of any person or persons for:

- (a) disturbing the peace or good order of the city;
- (b) disturbing the peace of any person or persons;

- (c) disturbing any lawful assembly;
- (d) public intoxication;
- (e) challenging, encouraging, or engaging in fighting;
- (f) using obscene or profane language in a place or under circumstances which could cause a breach of the peace or good order of the city;
- (g) engaging in indecent or disorderly conduct;
- (h) engaging in lewd or lascivious behavior or conduct in the city; and
- (i) interfering with any city officer in the discharge of his duty.

(2) Boards of commissioners and city councils of cities may provide for the punishment of trespass and such other petty offenses as the board of commissioners or city council may consider proper.

(3) (a) A woman's breast feeding, including breast feeding in any location where she otherwise may rightfully be, does not under any circumstance constitute a lewd or indecent act, irrespective of whether or not the breast is covered during or incidental to feeding.

(b) Boards of commissioners and city councils of cities may not prohibit a woman's breast feeding in any location where she otherwise may rightfully be, irrespective of whether the breast is uncovered during or incidental to the breast feeding.

Amended by Chapter 131, 1995 General Session

10-8-51. Beggars, prostitutes, swindlers -- Punishment.

They may provide for the punishment of tramps, street beggars, prostitutes, habitual disturbers of the peace, pickpockets, gamblers and thieves, or persons who practice any game, trick or device with intent to swindle.

No Change Since 1953

10-8-52. Buildings -- Fire limits -- Removal and destruction of buildings violating ordinance.

They may define fire limits and prescribe limits within which no building shall be constructed except of brick, stone or other incombustible material, without permission, and may cause the destruction or removal of any building constructed or repaired in violation of any ordinance, and cause all buildings and enclosures which may be in a dangerous state to be put in a safe condition or removed.

No Change Since 1953

10-8-53. Fire escapes -- Construction -- Building exits -- Fire extinguishers.

They may prescribe the manner of constructing stone, brick and other buildings, and the construction and maintenance of fire escapes; may cause all buildings used for public purposes to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire; may prevent the overcrowding thereof, and regulate the placing and use of seats,

scenery, curtains, blinds, screens, or other appliances therein.

No Change Since 1953

10-8-53.5. Regulation of carbon monoxide detectors -- Enforcement against occupant only.

(1) Subject to Subsection (2), a municipality may not enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling.

(2) Subsection (1) may not be construed to affect:

(a) a building permit applicant's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or

(b) a municipality's ability to require a building permit applicant to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

Enacted by Chapter 304, 2009 General Session

10-8-54. Regulation of construction and condition of chimneys and heating equipment -- Disposal of ashes.

They may prevent the dangerous construction and condition of chimneys, fireplaces, stoves, stovepipes, heaters, ovens, furnaces, boilers, and apparatus used in and about buildings and manufactories, and cause the same to be removed or placed in a safe condition; and may regulate and prevent the carrying on of manufacturing likely to cause fires, and may prevent the deposit of ashes in unsafe places.

No Change Since 1953

10-8-55. Fire departments -- Fire-fighting equipment -- Rules and regulations.

They may, except as otherwise provided by law, provide for the organization and support of a fire department, procure fire engines, hooks, ladders, buckets, hose and other apparatus, organize fire engine and hook and ladder companies, prescribe duties, rules and regulations for the government thereof, with such penalty as they may deem proper, and make all necessary appropriations therefor.

Amended by Chapter 19, 1957 General Session

10-8-55.5. Prohibition of flat response fee.

(1) A municipality, or a person who contracts with a municipality to provide emergency services:

(a) may not impose a flat fee, or collect a flat fee, from an individual involved in a traffic incident; and

(b) may only charge the individual for the actual cost of services provided in responding to the traffic incident, limited to:

(i) medical costs for:

- (A) transporting an individual from the scene of a traffic accident; or
- (B) treatment of a person injured in a traffic accident;
- (ii) repair to damaged public property, if the individual is legally liable for the damage;
- (iii) the cost of materials used in cleaning up the traffic accident, if the individual is legally liable for the traffic accident; and
- (iv) towing costs.
- (2) If a municipality, or a person who contracts with a municipality to provide emergency services, imposes a charge on more than one individual for the actual cost of responding to a traffic incident, the municipality or person contracting with the municipality shall apportion the charges so that it does not receive more for responding to the traffic incident than the actual response cost.

Enacted by Chapter 230, 2011 General Session

10-8-56. Storage of combustibles and explosives -- Use of lights -- Bonfires.

They may regulate or prevent the storage of gunpowder, tar, pitch, resin, coal, oil, gas, gasoline, benzine, turpentine, nitroglycerine, petroleum or any of the products thereof, and other combustible or explosive substances or materials, and the use of lights in stables, shops and other places, and the building of bonfires.

No Change Since 1953

10-8-57. Inspection of boilers -- Licensing of stationary engineers.

They may provide for the inspection and may regulate the use of steam boilers, provide for the examination, regulation and licensing of stationary engineers and others having charge or control of stationary engines, motors, boilers or steam or power generating apparatus, or elevators, within the corporate limits of the city.

No Change Since 1953

10-8-58. Jails and workhouses -- Establishment and maintenance.

The governing body of a city or town may:

- (1) establish, erect, and maintain city jails, houses of correction, and workhouses for the temporary confinement, not to exceed 72 hours, of persons convicted of violating any city ordinances;
- (2) make rules for the government of them;
- (3) appoint necessary jailers and keepers; and
- (4) use the county correctional facilities, including the county jail, for the confinement or punishment of offenders on the following conditions:
 - (a) a city or town may use the county correctional facilities without payment of compensation or reimbursement for incarceration costs or costs associated with booking of offenders in county correctional facilities;
 - (b) subject to any conditions that are imposed by law; and
 - (c) with the consent of the county legislative body which may include, without

limitation, the allocation or rationing of correctional facility capacity and prohibition of booking for classes of offenses or offenders. These limitations shall be applied equally to all entities using the county correctional facilities.

(5) If consent is given for the use of the county correctional facilities, the sheriff, at the sheriff's discretion, may assign offenders to county correctional facilities or programs or transfer offenders between facilities or programs.

(6) Nothing contained in this section shall:

(a) preclude cities, towns, and counties from executing written agreements containing terms or conditions for the use of the county jail; or

(b) invalidate any agreements entered into prior to July 1, 2004.

Amended by Chapter 353, 2007 General Session

10-8-58.5. Contracting for management, maintenance, operation, or construction of jails.

(1) (a) The governing body of a city or town may contract with private contractors for management, maintenance, operation, and construction of city jails.

(b) The governing body may include a provision in the contract that requires that any jail facility meet any federal, state, or local standards for the construction of jails.

(2) If the governing body contracts only for the management, maintenance, or operation of a jail, the governing body shall include provisions in the contract that:

(a) require the private contractor to post a performance bond in the amount set by the governing body;

(b) establish training standards that shall be met by jail personnel;

(c) require the private contractor to provide and fund training for jail personnel so that the personnel meet the standards established in the contract and any other federal, state, or local standards for the operation of jails and the treatment of jail prisoners;

(d) require the private contractor to indemnify the city or town for errors, omissions, defalcations, and other activities committed by the private contractor that result in liability to the city or town;

(e) require the private contractor to show evidence of liability insurance protecting the city or town and its officers, employees, and agents from liability arising from the construction, operation, or maintenance of the jail, in an amount not less than those specified in Title 63G, Chapter 7, Governmental Immunity Act of Utah;

(f) require the private contractor to:

(i) receive all prisoners committed to the jail by competent authority; and

(ii) provide them with necessary food, clothing, and bedding in the manner prescribed by the governing body; and

(g) prohibit the use of inmates by the private contractor for private business purposes of any kind.

(3) A contractual provision requiring the private contractor to maintain liability insurance in an amount not less than the liability limits established by Title 63G, Chapter 7, Governmental Immunity Act of Utah, may not be construed as waiving the limitation on damages recoverable from a governmental entity or its employees established by that chapter.

Amended by Chapter 378, 2010 General Session

10-8-59. Cruelty to animals.

They may prohibit cruelty to animals.

No Change Since 1953

10-8-60. Nuisances.

They may declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist.

No Change Since 1953

10-8-62. Cemeteries -- Purchase and operation.

The city legislative body may:

- (1) purchase, hold, and pay for lands within or without the corporate limits for the burial of the dead, and all necessary grounds for hospitals;
- (2) have and exercise police jurisdiction over those lands, and over any cemetery used by the inhabitants of the city;
- (3) survey, plat, map, fence, ornament, and otherwise improve, manage, and operate public burial and cemetery grounds;
- (4) convey cemetery lots owned by the city, and pass ordinances for the protection and governing of these grounds consistent with Title 8, Chapter 5, Rights and Title to Cemetery Lots;
- (5) contract for the care and improvement of cemeteries and cemetery lots, and for any compensation for the care and improvement;
- (6) receive deposits for the care of lots and invest the deposits by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and
- (7) pay the cost of the care from any proceeds from the investment.

Amended by Chapter 189, 2014 General Session

10-8-63. Burial of dead -- Vital statistics.

They may regulate the burial of the dead, consistent with Title 8, Chapter 5, Rights and Title to Cemetery Lots, the registration of births and deaths, direct the returning and keeping of bills of mortality, and impose penalties on physicians, sextons, and others for any default therein.

Amended by Chapter 189, 2014 General Session

10-8-65 (Superseded 01/01/15). Regulation of dogs -- Service animals permitted.

- (1) A municipality may:
 - (a) license, tax, regulate, or prohibit the keeping of dogs; and
 - (b) authorize the destruction, sale, or other disposal of a dog if the dog is at

large contrary to ordinance.

(2) (a) As used in this Subsection (2):

(i) "Retired service animal" means a dog that:

(A) at one time was a service animal for the current owner; and

(B) no longer provides service animal services for the owner because of the dog's age or other factors limiting the dog's service capability.

(ii) "Service animal" means a police service canine, as defined in Section 53-16-102.

(b) If a municipality adopts a limit as to the number of dogs a person may keep, the municipality shall allow a person to keep a service animal, a retired service animal, or both in addition to that limit.

Amended by Chapter 28, 2014 General Session

10-8-66. Offensive businesses -- Regulation of management and construction.

They may direct the location and regulate the management and construction of packing houses, dairies, tanneries, canneries, renderies, bone factories, slaughterhouses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables and blacksmith shops in and within one mile of the limits of the corporation.

No Change Since 1953

10-8-67. Pigsties, privies, other offensive establishments -- Prohibiting establishment.

They may prohibit any offensive, unwholesome business or establishment in and within one mile of the limits of the corporation, compel the owner of any pigsty, privy, barn, corral, sewer or other unwholesome or nauseous house or place to cleanse, abate or remove the same, and may regulate the location thereof.

No Change Since 1953

10-8-68. Census.

They may provide for the taking of censuses, but no census shall be taken oftener than once in five years, except as otherwise provided by law.

No Change Since 1953

10-8-69. Conduct that interferes with or impedes traffic.

(1) Except as provided in Subsection (2), the governing body of a city or town may prohibit or regulate conduct on a highway or sidewalk if the conduct interferes with or impedes traffic, including:

(a) rolling a hoop;

(b) playing ball;

(c) flying a kite;

(d) riding a bicycle or tricycle; or

(e) any other conduct or activity that interferes with traffic.

(2) A governing body of a city or town may not prohibit or regulate conduct under Subsection (1) if the prohibition or regulation is inconsistent with or conflicts with any provision in Title 41, Chapter 6a, Traffic Code.

Amended by Chapter 360, 2013 General Session

10-8-70. Lumberyards and combustible materials.

They may regulate or prohibit the keeping of any lumberyard, and the placing or piling or selling of any lumber, timber, wood or other combustible material within the fire limits of the city.

No Change Since 1953

10-8-71. Waterworks -- Police and fire signals -- Retainage.

(1) They may purchase, construct, lease, rent, manage and maintain any system or part of any system of waterworks, hydrants and supplies of water, telegraphic or other police or fire signals, and pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or constructed.

(2) If any payment on a contract with a private person, firm, or corporation to construct all or part of any waterworks system is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Amended by Chapter 365, 1999 General Session

10-8-72. Libraries and reading rooms -- Establishment and maintenance.

They may establish, maintain and regulate free public libraries and reading rooms, as provided by law, and may perpetuate such free libraries and reading rooms as may have been heretofore established in the city.

No Change Since 1953

10-8-73. Processions and demonstrations.

They may regulate or prohibit all public demonstrations and processions which interfere with public traffic or tend to cause disorder.

No Change Since 1953

10-8-74. Burial of indigents.

They may provide for the burial of the indigent dead and pay the expenses thereof.

No Change Since 1953

10-8-75. Destitute children.

They may authorize the taking, and provide for the safekeeping and education for such periods of time as may be expedient, for all children who are destitute of proper parental care.

No Change Since 1953

10-8-76. Noise abatement -- Street performances.

They may prevent the ringing of bells, blowing of horns and bugles, crying of goods by auctioneers and others, and the making of other noises, for the purpose of business, amusement or otherwise, and prevent all performances and devices tending to the collection of persons on the streets or sidewalks of the city.

No Change Since 1953

10-8-77. Untied animals in streets.

They may compel persons to fasten animals attached to vehicles standing or remaining in the street.

No Change Since 1953

10-8-78. Official bonds and reports.

They may require all municipal officers and agents, elected or appointed, to give bond and security for the faithful performance of their duties, and require from every officer of the city at any time a report in detail of all transactions in his office or any matters connected therewith.

No Change Since 1953

10-8-79. Creating offices -- Filling vacancies.

They may create any office they may deem necessary for the good government of the city, and provide for filling vacancies in elective and appointive offices, and prescribe the powers, duties and compensation of all officers of the city, except as otherwise provided by law.

No Change Since 1953

10-8-81. Social clubs and athletic associations.

They may regulate all social clubs, recreational associations, athletic associations and kindred associations, whether incorporated or not, which maintain club rooms or regular meeting rooms within the corporate limits of the city.

No Change Since 1953

10-8-82. Railroads -- Removal of unused tracks.

They may require the tracks of any railroad or street railway company to be taken up and removed which shall have been laid upon the streets or highways of the city,

and which remain in the streets or highways contrary to the terms of the franchise of the company, or which are declared by the governing body a nuisance, or which such company has failed to operate for a period of nine months prior to the time when such nuisance shall be declared, and shall have the power to declare any of the acts specified in this section a nuisance.

No Change Since 1953

10-8-83. Railroad gates -- Kind and quality -- Installation.

They may require any railroad or street railway company to place gates at any place along its tracks, and may designate the places where such gates shall be placed, and the nature, kind and quality of such gates.

No Change Since 1953

10-8-84. Ordinances, rules, and regulations -- Passage -- Penalties.

(1) The municipal legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.

(2) The municipal legislative body may enforce obedience to the ordinances with fines or penalties in accordance with Section 10-3-703.

Amended by Chapter 323, 2000 General Session

10-8-84.5. Limitations on employee benefits imposed by a municipality.

(1) For the purpose of this section:

(a) "Accident and health insurance" is as defined in Section 31A-1-301.

(b) "Employee" means an individual employed by an employer.

(c) "Employee benefit" means one or more benefits or services provided to:

(i) an employee; or

(ii) a dependent of an employee.

(d) "Private employer" means a person who has one or more employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.

(e) "Insurance" is as defined in Section 31A-1-301.

(f) "Life insurance" is as defined in Section 31A-1-301.

(2) A municipality may not enact or enforce an ordinance that establishes, mandates, or requires a private employer to establish or offer an employee benefit, including:

(a) accident and health insurance;

(b) life insurance;

(c) sick leave; or

(d) family medical leave.

(3) Nothing in this section prohibits a municipality from considering an employee benefit described in Subsection (2) among other criteria when issuing a request for proposals.

Enacted by Chapter 87, 2012 General Session

10-8-85. Prison labor and fines.

They may provide by ordinance that any person committed to the county or municipal jail or other place of incarceration as a punishment or in default of the payment of a fine, or fine and costs, shall be required to work for the city at such labor as his strength will permit not exceeding eight hours in each working day; and that a judgment that the defendant pay a fine or a fine and costs may also direct that he be imprisoned until the amount thereof is satisfied, specifying the extent of imprisonment which cannot exceed one day for each \$2 of such amount.

No Change Since 1953

10-8-85.5. "Rental dwelling" defined -- Municipality may require a business license or a regulatory business license and inspections -- Exception.

(1) As used in this section, "rental dwelling" means a building or portion of a building that is:

- (a) used or designated for use as a residence by one or more persons; and
- (b) (i) available to be rented, loaned, leased, or hired out for a period of one month or longer; or
- (ii) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.

(2) (a) The legislative body of a municipality may by ordinance require the owner of a rental dwelling located within the municipality:

- (i) to obtain a business license pursuant to Section 10-1-203; or
- (ii) (A) to obtain a regulatory business license to operate and maintain the rental dwelling in accordance with Section 10-1-203.5; and
- (B) to allow inspections of the rental dwelling as a condition of obtaining a regulatory business license.

(b) A municipality may not require an owner of multiple rental dwellings or multiple buildings containing rental dwellings to obtain more than one regulatory business license for the operation and maintenance of those rental dwellings.

(c) A municipality may not charge a fee for the inspection of a rental dwelling.

(d) If a municipality's inspection of a rental dwelling, allowed under Subsection (2)(a)(ii)(B), approves the rental dwelling for purposes of a regulatory business license, a municipality may not inspect that rental dwelling except as provided for in Section 10-1-203.5.

(3) A municipality may not:

(a) interfere with the ability of an owner of a rental dwelling to contract with a tenant concerning the payment of the cost of a utility or municipal service provided to the rental dwelling; or

(b) except as required under the State Construction Code or an approved code

under Title 15A, State Construction and Fire Codes Act, for a structural change to the rental dwelling, or as required in an ordinance adopted before January 1, 2008, require the owner of a rental dwelling to retrofit the rental dwelling with or install in the rental dwelling a safety feature that was not required when the rental dwelling was constructed.

(4) Nothing in this section shall be construed to affect the rights and duties established under Title 57, Chapter 22, Utah Fit Premises Act, or to restrict a municipality's ability to enforce its generally applicable health ordinances or building code, a local health department's authority under Title 26A, Chapter 1, Local Health Departments, or the Utah Department of Health's authority under Title 26, Utah Health Code.

Amended by Chapter 289, 2012 General Session

10-8-85.6. Definitions -- Electronic payments -- Fee.

(1) As used in this section:

(a) "Electronic payment" means the payment of money to a municipality by electronic means, including by means of a credit card, charge card, debit card, prepaid or stored value card or similar device, or automatic clearinghouse transaction.

(b) "Electronic payment fee" means an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process an electronic payment.

(c) "Processing agent" means a bank, transaction clearinghouse, or other third party that charges a fee to process an electronic payment.

(2) A municipality may accept an electronic payment for the payment of funds which the municipality could have received through another payment method.

(3) A municipality that accepts an electronic payment may charge an electronic payment fee.

Enacted by Chapter 29, 2005 General Session

10-8-85.7. Implements of husbandry tracking debris onto municipal roads.

A municipality may not prohibit or punish the tracking of dirt, mud, or other debris onto a municipal road resulting from the operation of an implement of husbandry if the operation of the implement of husbandry is consistent with accepted agricultural practices.

Enacted by Chapter 214, 2006 General Session

10-8-85.8. Indemnification of farmers markets.

A municipality may:

(1) operate a farmers market, as defined in Section 4-5-2, on municipality-owned property in order to promote economic development;

(2) indemnify a food producer participating in the farmers market; and

(3) define the scope of the indemnification in an agreement with the food producer.

Enacted by Chapter 146, 2007 General Session

10-8-85.9. Preservation of historical areas and sites.

A municipality may:

- (1) expend public funds to preserve, protect, or enhance an historical area or site;
- (2) acquire an historical area or site by direct purchase, contract, lease, trade, or gift;
- (3) obtain an easement or right-of-way across public or private property to ensure access or proper development of an historical area or site;
- (4) protect an historical area or site;
- (5) ensure proper development and utilization of land or an area adjacent to an historical area or site; and
- (6) enter into an agreement with a private individual for the right to purchase an historical area or site if and when the private individual elects to sell or dispose of the owner's property.

Enacted by Chapter 360, 2008 General Session

10-8-86. Organization, operation, maintenance, and funding of system for public transit authorized.

(1) The governing body of any municipality may adopt a resolution allowing the municipality to organize, operate, and maintain a system for public transit within the municipality and to impose a sales and a use tax to fund the system for public transit as provided in Section 59-12-2213.

(2) The authority granted municipalities by this section to organize, operate, and maintain a system for public transit is inapplicable to a municipality located in or within five highway or roadway miles of the boundary of an existing transit district, unless the existing transit district consents to the organization and operation of the system for public transit by the municipality.

Amended by Chapter 263, 2010 General Session

10-8-89. Damage to abutting property -- Liability of city.

Whenever by the grading of any street, alley or other public ground in a city, pursuant to the action of the city authorities in changing the established grade of such street, alley or public ground, after valuable improvements have been made upon real property abutting thereon such real property is injured or diminished in value, the owner of such real property or improvements may recover from such city the amount of such damages or diminution in value in a civil action brought for that purpose.

No Change Since 1953

10-8-90. Ownership and operation of hospitals.

Each city of the third, fourth, or fifth class and each town of the state is

authorized to construct, own, and operate hospitals and to join with other cities, towns, and counties in the construction, ownership, and operation of hospitals.

Amended by Chapter 292, 2003 General Session

10-8-91. Levy of tax by cities of the third, fourth, and fifth class and towns.

A city of the third, fourth, or fifth class or a town may levy a tax not exceeding .001 per dollar of taxable value of taxable property for the purposes stated in Section 10-8-90.

Amended by Chapter 292, 2003 General Session

10-8-92. Joint board -- Membership -- Powers.

When two or more political subdivisions of the state of Utah join together under this act for the purposes set forth herein, there shall be set up by the political subdivisions so joining, a joint board whose membership shall have equal representation from each of the political subdivisions joining, and which said board shall be empowered with the administration, operation, construction and maintenance of said joint hospital.

No Change Since 1953

10-8-93. Control of funds and disbursements -- Auditing of accounts by county auditor -- Transfer of county tax funds to board to cover deficiencies.

The joint board created pursuant to this act shall have the custody and control of all funds collected in the joint operation of such hospital and the disbursement thereof; provided that the county auditor of any county participating under the provisions of this act shall audit the accounts of said board quarterly or at more frequent intervals, if public interest, in the judgment of such auditor requires a more frequent audit. The county executive of any county participating in the operation and maintenance of hospitals pursuant to this act may pay over to the joint board of such hospitals any funds yielded by a levy made pursuant to Section 17-53-221 that may be required to cover any deficiencies incurred in the operation and maintenance of such hospital.

Amended by Chapter 133, 2000 General Session

10-8-94. Towns with same authority as cities.

Towns have the same powers and authority granted to cities under this chapter, in addition to other powers conferred by law, but subject to the following:

(1) The town council may enact ordinances providing for the public safety, health, morals, and welfare of the town which are not prohibited, preempted by, or inconsistent with, the policy of state or federal law or the constitution of Utah or the United States, or attempt to regulate an area which by the nature of the subject requires uniform state regulation.

(2) The town council:

(a) may lay out, construct, open, and keep in repair canals, water ditches, or

water pipes to conduct water for artificial light and power purposes, and construct, own, and operate artificial light and power plants;

(b) may construct, own, and operate water pipes for irrigation, domestic, or other use for the inhabitants of the town; and

(c) may annually assess and collect a special tax of not to exceed .0008 per dollar of taxable value of taxable property in the town for those purposes.

Amended by Chapter 3, 1988 General Session